

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

John Erar,

Civil No. 04-3742 HDV/RAW

Plaintiff,

v.

**REPORT AND RECOMMENDATION
ON PRETRIAL SCHEDULING**

City of Andover, a Minnesota municipal corporation, and Don Jacobson, Mike Knight and Julie Trude, individuals,

Defendants.

This matter came before the Court, Magistrate Judge Arthur J. Boylan, on October 14, 2004, for conference on pretrial scheduling. Plaintiff is represented by John Fabian, Esq., 4644 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402-2242. Defendants are represented by Clifford M. Greene, Esq., 200 South Sixth Street, Suite 1200, Minneapolis, MN 55402. The Magistrate Judge hereby makes the following **Report and Recommendation** with respect to pretrial scheduling and litigation management in this case:

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

Discovery Plan

1. Fact discovery shall be commenced in time to be completed by April 1, 2005.
2. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or

before October 14, 2004.

3. Plaintiff shall disclose the identity of expert witnesses, required under Rule 26(a)(2)(A) on or before February 15, 2005. Plaintiff shall make the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, on or before April 1, 2005.
4. Defendants shall disclose the identity of expert witnesses, required under Rule 26(a)(2)(A) on or before March 15, 2005. Defendants shall make the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, on or before May 1, 2005.
5. No more than 25 interrogatories [counted in accordance with Fed. R. Civ. R. 33(a)] shall be served by either side. Interrogatories herein permitted are in addition to interrogatories that may have already been served.
6. No more than 15 depositions, excluding expert witness depositions, shall be taken by each side. Each side shall take no more than 1 expert deposition. Expert discovery, including depositions, shall be completed by June 1, 2005.

Non-Dispositive Motions

[Non-dispositive motions may be scheduled for hearing by calling the chambers of United States Chief Magistrate Judge Ross A. Walters, United States District Court for the Southern District of Iowa, 123 East Walnut St., Des Moines, IA 50309 (Phone No. 515-284-6217)].

1. All motions which seek to amend the pleadings or add parties must be served by December 1, 2004. Any motion to amend to allege punitive damages must be served and filed by the discovery deadline date.
2. All other non-dispositive motions and supporting documents, including those which relate to discovery, shall be served and filed by July 1, 2005.
3. Prior to scheduling any non-dispositive motion, parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through telephone conference with the Magistrate Judge. All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1, and **shall be presented in a form that complies with Local Rule 37.2.**

Dispositive Motions

1. All dispositive motions shall be **served and filed** with the Court by September 1, 2005. (Counsel are advised that they must schedule this hearing by calling the chambers of Senior District Court Judge Harold D. Vietor, 515-284-6273).
2. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1.

Trial

This case shall be ready for a **Jury** trial on December 1, 2005, or upon resolution of any pending dispositive motions. Each side may call no more than 1 expert witness. Anticipated length of trial is 2-4 days.

Dated: October 15, 2004

s/ Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge